

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DOUGLAS W. ENYART,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

[illegible]

Civil No. 15-cv-50-CJP¹

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on the parties' Joint Stipulation to Remand to the Commissioner. **(Doc. 17)**.

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, on remand, the Appeals Council will instruct the ALJ to hold a new hearing and provide plaintiff with an opportunity to submit

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 7.

addition evidence. The ALJ will reevaluate plaintiff's impairments pursuant to the five-step sequential evaluation, including, among other impairments, plaintiff's fibromyalgia and pain disorder pursuant to SSR 12-2p, reconsider plaintiff's maximum residual functional capacity, and further evaluate the medical opinion evidence in the record and plaintiff's credibility. The ALJ will seek supplemental vocational expert testimony to determine whether there are a significant number of jobs in the national economy that plaintiff can perform. After reevaluating the evidence, the ALJ will issue a new decision regarding the disability application.

For good cause shown, the parties' Joint Stipulation to Remand **(Doc. 17)** is **GRANTED**.

The final decision of the Commissioner of Social Security denying Douglas W. Enyart's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: July 15, 2015.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE